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EXAMINER	
ROSEN, NICHOLAS D	
ART UNIT	**PAPER NUMBER**
3625	

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/713,097	UEMURA ET AL.	
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) *17-19 and 22-46* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16,20 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/17/03 and 8/9/0*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-16 and 20-21 have been examined. Claims 17-19 and 22-46 were non-elected.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-16 and 20-21, drawn to an electronic shop with inventory monitoring, classified in class 705, subclass 26 (also subclasses 22, 27, and 28).

II. Claims 17-19, drawn to managing an electronic shop with different merchandise identifiers assigned to identical commodities, classified in class 705, subclass 26.

III. Claim 22, drawn to a method of conducting a lottery in combination with selling goods through an electronic shop, classified in class 705, subclass 14 (also subclass 26; also class 463/16 and 17).

IV. Claims 23-24, drawn to a method of managing an electronic shop wherein inquiries are made whether multiple commodities are to be delivered or paid for together or separately, classified in class 705, subclass 26.

V. Claims 25-26, drawn to a method of processing 3-D image data of commodities in an electronic shop, classified in class 345, subclass 419.

VI. Claims 27-28, drawn to providing an electronic shop in which information is provided about related commodities, classified in class 705, subclass 26 (the relation is not clear).

VII. Claims 29-44, drawn to searching information on a website, classified in class 707, subclass 3.

VIII. Claims 45-46, drawn to a method for providing an electronic bulletin board, and classifying articles thereon, classified in class 707, subclass 2.

The inventions are distinct, each from the other because of the following reasons:

Invention I and inventions II, III, IV, V, V, VI, VII, and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as managing inventory for an electronic shop. See MPEP § 806.05(d).

Invention II and inventions I, III, IV, V, VI, VII, and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as managing identical commodities as different commodities based on their merchandise identifiers. See MPEP § 806.05(d).

Invention III and inventions I, II, IV, V, VI, VII, and VIIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention III has separate utility such as promoting a commercial website by providing lottery prizes to at least some purchasers. See MPEP § 806.05(d).

Invention IV and inventions I, II, III, V, VI, VII, and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as arranging for ordered products to be delivered and/or paid for separately or together. See MPEP § 806.05(d).

Invention V and inventions I, II, III, IV, VI, VII, and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention V has separate utility such as presenting image data to users. See MPEP § 806.05(d).

Invention VI and inventions I, II, III, IV, V, VII, and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VI has separate utility such as promoting sales of related commodities by transmitting related commodity information to users. See MPEP § 806.05(d).

Invention VII and inventions I, II, III, IV, V, VI, and VIII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention VII has separate utility such as searching a plurality of content on a website. See MPEP § 806.05(d).

Inventions VIII and inventions I, II, III, IV, V, VI, and VII are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention VIII has separate utility such as classifying an article to make it web-searchable on an electronic bulletin board. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classifications, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for each Group is not required in full for any other Group, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with attorney Mario Costantino on November 5, 2004, a provisional election was made ***with*** traverse to prosecute the invention of group I, claims 1-16 and 20-21. Affirmation of this election must be made by applicant in replying to this Office action. Claims 17-19 and 22-46 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to non-elected inventions.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

The Draftsperson has approved the drawings.

Specification

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;
(2) if an article, its method of making;
(3) if a chemical compound, its identity and use;
(4) if a mixture, its ingredients;
(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The abstract of the disclosure is objected to because, in view of the election of a particular set of claims, the Abstract should be amended to more closely correspond to the invention as now claimed. Correction is required. See MPEP § 608.01(b).

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The title of the invention is not descriptive (especially after the election of claims 1-16 and 20-21, and the non-election of the other claims). A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Objections

Claims 1, 2, and 6 are objected to because of the following informalities: In the first line of claim 1, "an electric shop" should be "an electronic shop" to conform to ordinary usage (or one might write a "virtual shop", "a networked shop," etc.). In the first lines of claims 2 and 6, "the electric shop" should also be "the electronic shop". In the last line of claim 2, "an electric shopping cart" should be "an electronic shopping cart", to conform to ordinary usage, and because the invention involves a virtual shopping cart rather than a physical shopping cart with an electric motor. Finally, in the second line of claim 6, "in any of claim 1" should be "in claim 1". Appropriate correction is required.

Claims 3, 4, and 5 are objected to because of the following informalities: In the first line of claim 3, "an electric shop" should be "an electronic shop" to conform to

ordinary usage (or one might write a "virtual shop", "a networked shop," etc.). Finally, in the second line of claim 5, "in any of claim 3" should be "in claim 3". Appropriate correction is required.

Claims 7, 8, 9, 10, 11, and 12 are objected to because of the following informalities: In the first line of claim 7, "an electric shop" should be "an electronic shop" to conform to ordinary usage (or one might write a "virtual shop", "a networked shop," etc.). In the first lines of claims 8, 9, 10, 11, and 12, "the electric shop" should also be "the electronic shop". Finally, in the second line of claim 9, "in any of claim 7" should be "in claim 7". Appropriate correction is required.

Claim 11 is objected to because of the following informalities: In the third line of claim 11, "is be" should be simply "is". Appropriate correction is required.

Claim 12 is objected to because of the following informalities: The references to the quantity of stock becoming "below 0" should presumably be changed to recite the quantity of stock reaching zero, since it is hard to see how one can actually have a less than zero quantity of a commodity on hand. Appropriate correction is required.

Claims 13, 14, 15, and 16 are objected to because of the following informalities: In the first line of claim 13, "an electric shop" should be "an electronic shop" to conform to ordinary usage (or one might write a "virtual shop", "a networked shop," etc.). In the third, fourth, fifth, sixth and seventh lines of claim 13, "per commodities" and "being corresponded to per commodities" are odd, unidiomatic phrases that should be revised for clarity. In the first lines of claims 14, 15, and 16, "the electric shop" should also be "the electronic shop". Appropriate correction is required.

Claims 20 and 21 are objected to because of the following informalities: In the first line of claim 20, "an electric shop" should be "an electronic shop" to conform to ordinary usage (or one might write a "virtual shop", "a networked shop," etc.). In the first line of claim 21, "the electric shop" should also be "the electronic shop". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. The phrase "a step to store a measure set per commodities onto a memory by being corresponded to per commodities" in claim 13 is so unidiomatic as to fail to particularly point out and distinctly claim what applicant regards as his invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, and 6

Claims 1 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krichilsky et al. (U.S. Patent Application Publication 2002/0152200) in view of Lyons et al. (U.S. Patent Application Publication 2002/0077937). As per claim 1, Krichilsky discloses a method for providing an electronic shop using a network, the method comprising: a step of transmitting information in order to solicit a purchase will of a user via a network (paragraphs 37, 38, 51, 52, 57, and 58); a step of receiving purchase information indicative of a purchase will of the user via the network (paragraphs 69 and 71; Figure 10); and a step of transmitting information about an out-of-stock of the commodity to the terminal of the user having transmitted purchase information via the network when the quantity of stock of the commodity is below a given quantity (paragraphs 72 and 78). Krichilsky does not expressly disclose a step of calculating a

quantity of stock of the commodity in response to received purchase information by way of a computer, but Lyons teach this (paragraph 4). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to calculate a quantity of stock of the commodity in response to received purchase information by way of a computer, for the stated advantage of enabling a web site or other sales channel to be updated.

As per claim 6, Krichilsky discloses that the electronic shop can be run on a website (paragraph 39).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krichilsky and Lyons as applied to claim 1 above, and further in view of Aichlmayr ("From Data to Delivery: Finding Fulfillment in E-Business"). Krichilsky mentions the use of electronic shopping carts (paragraph 4), but does not expressly disclose that purchase information indicative of the purchase is transmitted from the terminal of the user when the commodity is put into an electronic shopping cart. However, Aichlmayr teaches that, "When a customer puts an item in a shopping cart, the retailer's site contacts the PFSWeb system and indicates whether or not the product is in stock." (Paragraph beginning, "When a customer puts an item"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have purchase information indicative of the purchase be transmitted from the terminal of the user when the commodity was put into an electronic shopping cart, for the stated advantage of determining whether the item to be purchased was in stock.

Claims 3 and 5

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krichilsky et al. (U.S. Patent Application Publication 2002/0152200) in view of Lyons et al. (U.S. Patent Application Publication 2002/0077937) and Butler et al. ("Gupta SQLBase Server for NetWare"). As per claim 3, Krichilsky discloses a method for providing an electronic shop using a network, the method comprising: a step of transmitting information in order to solicit a purchase will of a user via a network (paragraphs 37, 38, 51, 52, 57, and 58); and a step of receiving purchase information indicative of a purchase will of the user via the network (paragraphs 69 and 71; Figure 10). Krichilsky does not expressly disclose a step of calculating a quantity of stock of the commodity in response to received purchase information by way of a computer, but Lyons teach this (paragraph 4). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to calculate a quantity of stock of the commodity in response to received purchase information by way of a computer, for the stated advantage of enabling a web site or other sales channel to be updated.

Krichilsky does not expressly disclose detecting whether or not the quantity of stock of the commodity becomes below a first given quantity by a computer, nor does Krichilsky disclose transmitting information indicating that the quantity of stock of the commodity becomes below the given quantity to the terminal of the manager of merchandise via the network when it is detected that the quantity of stock of the commodity becomes below the first given quantity for the first time since a given time, but Butler teaches automatically notifying a manager when stock is too low (paragraph

beginning "Remote Procedure Calls (RPCs) can be made from SQL server"), which can be taken as notifying a manager when the quantity of stock of the commodity becomes below the first given quantity for the first time since a given time, since if notification were sent *whenever* the stock of the commodity were too low, troublesome consequences would ensue, such as continuously e-mailing the manager. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to detect whether or not the quantity of stock of the commodity became below a first given quantity by a computer, and transmit information indicating that the quantity of stock of the commodity became below the given quantity to the terminal of the manager of merchandise via the network when it was detected that the quantity of stock of the commodity became below the first given quantity for the first time since a given time, for the obvious advantage of causing managers to maintain stocks of commodities at adequate levels.

As per claim 5, Butler teaches that transmission to the terminal of the manager is executed by electronic mail (paragraph beginning "Remote Procedure Calls (RPCs) can be made from SQL server"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for transmission to the terminal of the manager to be executed by electronic mail, for the obvious advantage of conveniently providing information to the manager wherever the manager might be.

Claims 3, 4, and 5 (second rejection)

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krichilsky et al. (U.S. Patent Application Publication 2002/0152200) in view of Lyons et al. (U.S.

Patent Application Publication 2002/0077937) and Nowers et al. (U.S. Patent Application Publication 2003/0033205). Krichilsky discloses a method for providing an electronic shop using a network, the method comprising: a step of transmitting information in order to solicit a purchase will of a user via a network (paragraphs 37, 38, 51, 52, 57, and 58); and a step of receiving purchase information indicative of a purchase will of the user via the network (paragraphs 69 and 71; Figure 10). Krichilsky does not expressly disclose a step of calculating a quantity of stock of the commodity in response to received purchase information by way of a computer, but Lyons teach this (paragraph 4). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to calculate a quantity of stock of the commodity in response to received purchase information by way of a computer, for the stated advantage of enabling a web site or other sales channel to be updated.

Krichilsky does not expressly disclose detecting whether or not the quantity of stock of the commodity becomes below a first given quantity by a computer, nor does Krichilsky disclose transmitting information indicating that the quantity of stock of the commodity becomes below the given quantity to the terminal of the manager of merchandise via the network when it is detected that the quantity of stock of the commodity becomes below the first given quantity for the first time since a given time, but Nowers teaches automatically notifying a manager when stock is too low, at agreed upon times (paragraph 92), which can be taken as notifying a manager when the quantity of stock of the commodity becomes below the first given quantity for the first time since a given time, since if notification were sent *whenever* the stock of the

commodity were too low, troublesome consequences would ensue, such as continuously e-mailing the manager; furthermore, "at agreed upon times" suggests notifying a manager when the quantity of the stock falls below a minimum level for the first time since a given time, since if the agreed upon time were, for example 8:00 AM, and notification were sent each morning at 8:00 AM, it would presumably be to say that the level of the stock had fallen below the minimum since the previous day's notifications. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to detect whether or not the quantity of stock of the commodity became below a first given quantity by a computer, and transmit information indicating that the quantity of stock of the commodity became below the given quantity to the terminal of the manager of merchandise via the network when it was detected that the quantity of stock of the commodity became below the first given quantity for the first time since a given time, for the stated advantage of causing more of the commodity to be supplied.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krichilsky et al. (U.S. Patent Application Publication 2002/0152200), Lyons et al. (U.S. Patent Application Publication 2002/0077937), and Nowers et al. (U.S. Patent Application Publication 2003/0033205) as applied to claim 3 above, and further in view of Butler et al. ("Gupta SQLBase Server for NetWare"). As per claim 4, Krichilsky does not expressly disclose that a computer detects whether or not the quantity of stock of the commodity becomes below a smaller second quantity than the first given quantity and every time the computer detects that the quantity of stock becomes below the

second given quantity, information that the quantity of stock becomes below the second given quantity is transmitted to the terminal of the manager of the merchandise, but Butler discloses automatically notifying a manager when an inventory becomes too low (paragraph beginning "Remote Procedure Calls (RPCs) can be made from SQL server"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have information that the quantity of stock became below the second given quantity be transmitted to the terminal of the manager of the merchandise, for the obvious advantage of quickly notifying the manager when the quantity of the stock had fallen to an excessively low level.

As per claim 5, Butler teaches that transmission to the terminal of the manager is executed by electronic mail (paragraph beginning "Remote Procedure Calls (RPCs) can be made from SQL server"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for transmission to the terminal of the manager to be executed by electronic mail, for the obvious advantage of conveniently providing information to the manager wherever the manager might be.

Claims 7-12

Claim 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Charlish ("Technology (Worth Watching): Point Made for Smaller Shops") in view of Matsumoto (Japanese Published Patent Application 2000-305617). As per claim 7, Charlish discloses computers by which managers can obtain reports about stock levels, implying receiving information demanding transmission of stock management

information, and transmitting the requested stock management information (paragraph beginning "Smaller retail outlets"). Matsumoto teaches a computer calculating a quantity of stock of a commodity based upon received data concerning the fluctuation of the quantity of the stock (English language Abstract), which implies receiving information about the quantity of the stock. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to receive this information and calculate a quantity of stock, for the obvious advantage of informing managers of the quantity of stock on hand, and enabling them to take appropriate actions.

As per claim 8, Matsumoto teaches that a quantity of stock is calculated by adding the received fluctuation of the quantity of stock to a quantity of stock preceding the received fluctuation (English language Abstract). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have a quantity of stock calculated by adding the received fluctuation of the quantity of stock to a quantity of stock preceding the received fluctuation, for the obvious advantage of determining a quantity of stock without having to count from scratch each time.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Charlish and Matsumoto as applied to claim 7 above, and further in view of Nowers et al. (U.S. Patent Application Publication 2003/0033205); claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Charlish, Matsumoto and Nowers as applied to claim 9, and further in view of Butler ("Gupta SQLBase Server for NetWare"). Claims

9 and 10 are closely parallel to one element of claim 3, and claim 4, respectively, and rejected using Nowers and Butler for essentially the reasons set forth above with regard to claims 3-5 (second set of rejection under 35 U.S.C. 103).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Charlish, Matsumoto, Nowers and Butler as applied to claim 10 above, and further in view Krichilsky et al. (U.S. Patent Application Publication 2001/0152200). Charlish does not disclose that when the quantity of stock is below the second given quantity, information indicative of an out-of-stock of the commodity is transmitted to a terminal of a user in response to information about a purchase will of the commodity sent from the terminal of the user, but Krichilsky teaches this when a commodity is out of stock (paragraphs 72 and 76-79). Hence, it would have been obvious to one to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have information indicative of an out-of-stock of the commodity be transmitted to a terminal of a user in response to information about a purchase will of the commodity sent from the terminal of the user, for the obvious advantages of avoiding the embarrassments consequent upon selling what one does not have, and to profit from the sale of alternative commodities, or the sale of the desired commodity at a later time, as taught by Krichilsky.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Charlish and Matsumoto as applied to claim 7 above, and further in view of Aichlmayr ("From Data to Delivery: Finding Fulfillment in E-Business"). Charlish does not disclose checking whether or not the quantity of stock has reached zero, and (1) transmitting information about the commodity to a terminal of a user (customer) when the quantity of

stock is not zero, and halting transmission of information when the quantity of stock has reached zero, but Aichlmayr teaches this (whole article for (1), and especially the paragraph beginning, "For Returns, end customers contact Gear.com customer service" for (2)). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to carry out the recited procedure, for the stated advantage of avoiding processing an order one cannot fill (while profiting from the sale of products available to be sold).

Clams 13-16

Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krichilsky et al. (U.S. Patent Application Publication 2002/0152200). As per claim 13, Krichilsky discloses a method for providing an electronic shop using a network, comprising: a step of storing merchandise information about a plurality of commodities and various kinds of measures to be executed by a computer when a quantity of stock of a commodity becomes below a given quantity onto a memory (paragraphs 40 and 41 for memory; paragraphs 72-79 for various measures to be executed); and a step to execute a measure applied to the commodity by the computer when the quantity of stock of the quantity becomes below the given quantity (paragraphs 72 and 76-79). Determining whether a commodity is unavailable necessarily implies detecting a quantity of stock of that commodity, and apparently implies "a step to store a measure set per commodities onto a memory by being corresponded to per commodities," insofar as that phrase has any understandable meaning.

As per claim 15, Krichilsky discloses presenting information indicative of an out-of-stock together with merchandise information (paragraphs 72 and 76-79).

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krichilsky et al. (U.S. Patent Application Publication 2002/0152200) as applied to claim 13 above, and further in view of Aichlmayr ("From Data to Delivery: Finding Fulfillment in E-Business"). As per claim 14, Krichilsky does not disclose that the measure is to halt providing merchandise information, but Aichlmayr teaches this (paragraph beginning, "For returns, end customers contact Gear.com customer service"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the measure to be to halt providing merchandise information, for the stated advantage of avoiding processing an order one cannot fill.

As per claim 16, Krichilsky does not disclose that the measure is to exclude the commodity from a target of a merchandise search, but Aichlmayr teaches making out-of-stock products invisible to end users, which necessarily implies excluding them from the target of a merchandise search (paragraph beginning, "For returns, end customers contact Gear.com customer service"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the measure to be to exclude the commodity from a target of a merchandise search, for the stated advantage of avoiding processing an order one cannot fill.

Claims 20-21

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krichilsky et al. (U.S. Patent Application Publication 2002/0152200) in view of Lyons et al. (U.S. Patent Application Publication 2002/0077937). Krichilsky discloses a method for providing an electronic shop using a network, the method comprising: a step of transmitting information in order to solicit a purchase will of a user via a network (paragraphs 37, 38, 51, 52, 57, and 58); a step of receiving purchase information indicative of a purchase will of the user via the network (paragraphs 69 and 71; Figure 10); and a step of transmitting information advising an advance order for the commodity to the terminal of the user via a network, when a quantity of stock of the commodity is below a given quantity (paragraphs 72 and 77). Krichilsky does not expressly disclose a step of calculating a quantity of stock of the commodity in response to received purchase information, but Lyons teaches this (paragraph 4). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to calculate a quantity of stock of the commodity in response to received purchase information, for the stated advantage of enabling a web site or other sales channel to be updated.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krichilsky and Lyons as applied to claim 20 above, and further in view of Gupta et al. (U.S. Patent Application Publication 2002/0074349). Krichilsky does not disclose that information indicating an expected available date of the commodity is transmitted to the terminal of the user, but Gupta teaches this (Abstract; paragraphs 23 and 33). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the

time of applicant's invention to have information indicating an expected available date of the commodity be transmitted to the terminal of the user, for the stated advantage of avoiding the loss of business efficiency, profits, and ultimate demise (paragraph 2 of Gupta), and the obvious advantage of profiting from selling currently out-of-stock commodities that will be available within a reasonable period of time.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Freeny, Jr (U.S. Patent 6,076,071) discloses an automated synchronous product pricing and advertising system. Gottfurcht et al. (U.S. Patent 6,611,881) disclose a method and system of providing a credit card user with barcode purchase data etc.

Kutaragi et al. (U.S. Patent Application Publication 2001/0032146) disclose a sales managing method. Edgar et al. (U.S. Patent Application Publication 2002/0091590) disclose a fundraising system with creation, coordination, and order tracking tools. Lucas (U.S. Patent Application Publication 2001/0051905) discloses an inventory control system and method. Tiwary et al. (U.S. Patent Application Publication 2002/0038221) disclose a competitive reward commerce model. Murphy et al. (U.S. Patent Application Publication 2002/00527778) disclose a system and method for providing incentives to purchasers. Dunston (U.S. Patent Application Publication 2002/0082954) discloses a system and method for providing direct channel distribution over a global computer network. Chao et al. (U.S. Patent Application Publication

2002/0128918) disclose a system, method, and storage medium for back ordering out of stock products. Wojcik et al. (U.S. Patent Application Publication 2002/0188530) disclose a system for managing orders and method of implementation.

Bontempo ("Computer Tool Control System Offers Many Advantages" - Abstract only) discloses automatic notification when a reorder point is reached. The anonymous article, "NCR Wins Praise for On-Site Inventory Management Program," discloses an Internet-based tool for checking inventory. King ("Christmas in July: . . . Lessons Learned from the Past Year ... .") discloses inventory level tracking. The anonymous article, "Actinic Software Launches major Upgrade to Actinic Catalog E-Commerce Software for Small- to Medium-Sized Businesses," discloses monitoring and updating inventory after each purchase. Mikolajczyk ("Tire Makers, Suppliers Step into Electronic Age") discloses enabling dealers to check inventory, etc. Sam ("Web-Based Systems Help Clients Manage Money") discloses a one-stop logistics provider with a wide range of services. Slatella ("Hard to Tell When a Virtual Shelf Is Bare") disclosespreventing customers from completing orders on products that are not available.

Additionally, Examiner has considered the International Search Reports for PCT/JP02/04811, PCT/JP02/04812, and PCT/JP02/04813, which were apparently included with one of the IDS statemetns, although not listed thereon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

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Nicholas D. Rosen

NICHOLAS D. ROSEN
PRIMARY EXAMINER
November 15, 2004